

Introduced: 1/19/87
Referred: Labor and Commerce,
Resources and Finance

5-0051A

1 IN THE SENATE BY ZHAROFF AND ELIASON

2 SENATE BILL NO. 8

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Commercial Fishing and Agri-
7 culture Bank."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 44.81.010(a) is amended to read:

10 (a) There is established the Alaska Commercial Fishing and
11 Agriculture Bank. The exercise by the bank of the powers conferred by
12 this chapter is considered to be for a public purpose. [EXCEPT AS
13 OTHERWISE PROVIDED IN THIS CHAPTER, AND EXCEPT THAT ANY FILING FEES
14 SHALL BE WAIVED, THE BANK IS SUBJECT TO THE PROVISIONS OF AS 10.15
15 (ALASKA COOPERATIVE CORPORATION ACT).] The bank is exempt from the
16 provisions of AS 06.05 (Alaska Banking Code) and AS 10.15 (Alaska
17 Cooperative Corporation Act) in the exercise of powers granted by this
18 chapter.

19 * Sec. 2. AS 44.81.020(a) is amended to read:

20 (a) The bank shall be managed by a board of directors consisting
21 of seven members. Five [AT LEAST ONE MEMBER OF THE BOARD SHALL BE AN
22 ALASKA FARMER WITH AT LEAST 10 YEARS OF ALASKAN FARM EXPERIENCE.
23 INITIAL APPOINTMENTS TO THE BOARD SHALL BE MADE BY THE GOVERNOR. TWO
24 OF THE INITIAL APPOINTMENTS SHALL BE MADE AT THE TIME OF THE FIRST
25 ANNUAL MEMBERSHIP MEETING OF THE BANK. THEREAFTER, FIVE] board mem-
26 bers shall be elected by the members of the bank, with at least one of
27 the elected board members being an Alaska farmer [WITH AT LEAST 10
28 YEARS OF ALASKAN FARM EXPERIENCE], and two board members shall be
29 appointed by the governor until the repurchase of all the nonvoting,

1 preferred shares initially issued by the bank and purchased by agen-
2 cies of the state. After repurchase is completed, all board members
3 shall be elected by the members of the bank. The board members shall
4 annually elect a chairman from among themselves. The purpose of the
5 board is to manage the assets of the bank.

6 * Sec. 3. AS 44.81.090 is amended to read:

7 Sec. 44.81.090. TERM OF OFFICE AND REMOVAL. The members of the
8 board shall serve for terms of three years, and they may serve succes-
9 sive terms. Terms shall be staggered. An elected member of the board
10 who releases confidential information in violation of AS 44.81.260,
11 commits serious ethical misconduct that relates to the member's fit-
12 ness to serve as a member of the board, or maintains a chronically and
13 irredeemably substandard borrowing relationship with the bank may be
14 removed from the board by unanimous vote of the remaining members of
15 the board [INITIAL TERMS OF THE FIRST FIVE MEMBERS APPOINTED TO THE
16 BOARD SHALL BE TWO MEMBERS SERVING UNTIL THE FIRST ANNUAL MEMBERSHIP
17 MEETING OF THE BANK, TWO MEMBERS SERVING UNTIL THE SECOND ANNUAL
18 MEMBERSHIP MEETING OF THE BANK, AND ONE MEMBER SERVING UNTIL THE THIRD
19 ANNUAL MEMBERSHIP MEETING OF THE BANK. INITIAL TERMS OF THE TWO
20 MEMBERS APPOINTED AT THE TIME OF THE FIRST ANNUAL MEMBERSHIP MEETING
21 OF THE BANK SHALL BE ONE MEMBER SERVING UNTIL THE SECOND ANNUAL MEM-
22 BERSHIP MEETING OF THE BANK AND ONE MEMBER SERVING UNTIL THE THIRD
23 ANNUAL MEMBERSHIP MEETING OF THE BANK].

24 * Sec. 4. AS 44.81.210(a)(20) is amended to read:

25 (20) make loans to individual commercial fishermen for
26 limited entry permits; a loan under this paragraph may be made only to
27 an individual commercial fisherman who has been a state resident for a
28 continuous period of two years immediately preceding the date of
29 application for the loan [AND WHO HAS HAD A CREWMEMBER OR COMMERCIAL

1 FISHING LICENSE UNDER AS 16.05.480 OR A PERMIT UNDER AS 16.43 FOR THE
2 YEAR IMMEDIATELY PRECEDING THE DATE OF APPLICATION AND ANY OTHER TWO
3 OF THE PAST FIVE YEARS, AND WHO HAS ACTIVELY PARTICIPATED IN THE
4 FISHERY DURING THAT PERIOD]; loans made under this paragraph are
5 subject to [THE PROVISIONS OF] AS 44.81.230;

6 * Sec. 5. AS 44.81.210(a)(22) is amended to read:

7 (22) accept the pledge of a limited entry permit as security
8 for a loan made under this chapter [FOR THE REPAIR, RESTORATION, OR
9 IMPROVEMENT OF A COMMERCIAL FISHING VESSEL OR COMMERCIAL FISHING GEAR,
10 OR FOR THE CONSTRUCTION OR PURCHASE OF A COMMERCIAL FISHING VESSEL,]
11 subject to the conditions set out in AS 44.81.230 - 44.81.250 on
12 pledges of limited entry permits;

13 * Sec. 6. AS 44.81 is amended by adding a new section to read:

14 Sec. 44.81.235. LIMITATIONS ON PLEDGE OF PERMITS. (a) The bank
15 may issue a loan secured by a limited entry permit for

16 (1) purchase, repair, restoration, or improvement of a
17 commercial fishing vessel or commercial fishing gear;

18 (2) construction of a commercial fishing vessel;

19 (3) working capital, including insurance premiums, fuel,
20 bait, and boat storage and launching expenses; or

21 (4) purchase and improvement of set net sites and associ-
22 ated equipment.

23 (b) A limited entry permit may be used as security for more than
24 one loan if each loan meets the requirements of (a) of this section.

25 (c) A limited entry permit may be used as security for a loan to
26 refinance existing debts if the proceeds of each original loan were
27 used in accordance with (a) of this section.

28 * Sec. 7. AS 44.81.270 is amended by adding new subsections to read:

29 (b) The bank shall be audited annually by independent outside

1 auditors. The legislative auditor may confer with the outside audi-
2 tors and review the workpapers of the audit. At the direction of the
3 Legislative Budget and Audit Committee under AS 24.20.271, the legis-
4 lative auditor may conduct an audit of the bank.

5 (c) The state bank examiners shall perform an annual qualitative
6 examination and evaluation of the bank. The commissioner of commerce
7 and economic development shall assess the bank a fee established under
8 AS 06.01.010(b) for the actual expenses incurred by the Department of
9 Commerce and Economic Development in connection with the examination.
10 The examiners shall report to the board of directors on the examina-
11 tion. The examiners shall prepare a summary report evaluating the
12 bank's loan portfolio quality on a statistical basis and addressing
13 the appropriateness and effectiveness of the bank's policies, prac-
14 tices, and management within the context of the bank's statutory
15 purposes. The examiners shall distribute copies of the summary report
16 to the bank, the legislature, and the governor.